

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ATOTECH USA, INC., et al,

Plaintiffs,

v.

MACDERMID, INC.,

Defendant.

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Civil Case No. 05-5517 (FSH)

OPINION and ORDER

Date: November 1, 2007

HOCHBERG, District Judge

This matter having come before the Court on Plaintiff Atotech USA, Inc.’s (“Atotech”) October 22, 2006 submission to the Court requesting a status hearing on settlement talks; and

it appearing that the Court dismissed this case by 60-day order on August 23, 2007 “without prejudice to the right, upon good cause shown within 60 days, to reopen the action if settlement is not consummated”; and

it appearing that Plaintiff’s October 22, 2007 submission “requests that this matter be scheduled for a status hearing to apprise [sic] the Court of the parties’ progress and to determine the appropriate pretrial schedule should the parties fail to execute a final settlement agreement”; and

it appearing from Plaintiff’s October 26, 2007 letter to the Court, submitted in response to an inquiry from the Court, that the settlement agreement has yet to be consummated because Atotech has not yet secured the required consent of Enthone, a third party, and that the consummation of the settlement agreement was made contingent upon Enthone’s consent;

ACCORDINGLY IT IS on this 1st day of November, thereby

ORDERED that the parties shall have until **November 10, 2007** to secure Enthone's consent to the settlement agreement, as that agreement stood at the time the parties notified the Chambers of Judge Shwartz of settlement on August 22, 2007; and it is further

ORDERED that if, by November 10, 2007, the Court does not receive notification that this final condition to settlement has occurred, the Court shall deem settlement to have failed and the parties shall arrange a conference call with Judge Shwartz to set a schedule for all further proceedings.

/s/ Faith S. Hochberg

Hon. Faith S. Hochberg, U.S.D.J.